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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,077	03/01/2002	Kiyoshi Kobayashi	0033-0794P	9133
2292	7590	02/23/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HWANG, JOON H	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/085,077

Applicant(s)

KOBAYASHI ET AL.

Examiner

Joon H. Hwang

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The applicants amended claims 1-13 and added new claims 14-28 in the amendment received on 10/12/04.

The pending claims are 1-28.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a database at the information management apparatus that stores time information for data stored in databases at both the information management apparatus and at a second database different from the first database) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-11, 13-15, 17-23, and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bodnar et al. (U.S. Patent No. 6,295,541).

With respect to claim 1, Bodnar teaches database storing means for storing a first database at an integrated information management apparatus (i.e., a synchronization system 200 in fig. 2 containing a database 928 in fig. 9A and 10A). Bodnar teaches consistency maintaining means for performing consistency maintaining processes by replacing data of the first database with data of a second database different from the first database (i.e., a synchronization of the database of the synchronization system with another database, line 63 in col. 10 thru line 49 in col. 11). Bodnar teaches data determining means for designating as data of which consistency is to be maintained between the first and second databases, data included in the first database and having modification time newer than the time of the last consistency maintaining process (i.e., determining a changed data and synchronizing, wherein the changed data is in the database of the synchronization system and having modification time later (newer) than the time of the last synchronization, lines 19-32 in col. 9 and lines 26-57 in col. 46), based on consistency maintaining process time information representing time when the last consistency maintaining process was performed (i.e., a last-synchronization time, lines 26-57 in col. 46 and fig. 10C), and based on data modification time information corresponding to each data included in the first database

and representing time when each the data is modified (i.e., a last-modification time, lines 26-57 in col. 46 and fig. 10B).

With respect to claim 2, Bodnar teaches time information storing means for storing the consistency maintaining process time information (i.e., a last-synchronization time, lines 26-57 in col. 46 and fig. 10C).

With respect to claim 4, Bodnar teaches data transmitting means connected to the data determining means for transmitting the data to another information management apparatus storing the second database (fig. 2, line 63 in col. 10 thru line 49 in col. 11, lines 19-32 in col. 9, and lines 26-57 in col. 46).

With respect to claim 5, Bodnar teaches means for receiving data transmitted as the data of which consistency is maintained from another information management apparatus storing the second database and means for replacing data corresponding to the received data included in the first database with the received data (fig. 2, line 63 in col. 10 thru line 49 in col. 11, lines 19-32 in col. 9, and lines 26-57 in col. 46).

With respect to claim 6, Bodnar teaches database designating means for designating, among a plurality of stored databases, the first database as an object of the consistency maintaining process (fig. 2, fig. 9A, and fig. 10A).

The limitations of claim 7 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 8, the limitations of claim 8 are similar to the limitations of claim 1. Bodnar further discloses two or more databases different from the first database and determining an order of two or more databases as the object with which

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consistency of the designated data is to be maintained, in accordance with a predetermined priority, concerning database determining means (line 15 in col. 48 thru line 39 in col. 50). Therefore, the limitations of claim 8 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 9, Bodnar teaches means for determining order of the two or more databases as the object of maintaining consistency of the determined data, in accordance with priority represented as an order of time starting from older or newer one, of the consistency maintaining process, represented by the consistency maintaining process time information (line 15 in col. 48 thru line 39 in col. 50).

With respect to claim 10, Bodnar teaches priority storing means for storing the priority, wherein the database determining means includes means for determining the order of the two or more database as an object with which consistency of the determined data is to be maintained, in accordance with the priority stored in the priority storing means (line 15 in col. 48 thru line 39 in col. 50).

With respect to claim 11, Bodnar teaches communication means for communicating with apparatuses respectively storing the two or more databases (fig. 2), and time point storing means for storing a time point at which communication by the communication means becomes possible (lines 19-60 in col. 9), wherein the database determining means includes means for determining the order of the two or more database as an object with which consistency of the determined data is to be maintained, in accordance with the time point stored in the time point storing means (line 15 in col. 48 thru line 39 in col. 50).

The limitations of claims 13, 20, and 26 are rejected in the analysis of claim 8 above, and these claims are rejected on that basis.

The limitations of claims 14 and 25 are rejected in the analysis of claim 1 above, and these claims are rejected on that basis.

The limitations of claim 15 are rejected in the analysis of claim 2 above, and the claim is rejected on that basis.

The limitations of claim 17 are rejected in the analysis of claim 4 above, and the claim is rejected on that basis.

The limitations of claim 18 are rejected in the analysis of claim 5 above, and the claim is rejected on that basis.

The limitations of claim 19 are rejected in the analysis of claim 6 above, and the claim is rejected on that basis.

The limitations of claim 21 are rejected in the analysis of claim 9 above, and the claim is rejected on that basis.

The limitations of claim 22 are rejected in the analysis of claim 10 above, and the claim is rejected on that basis.

The limitations of claim 23 are rejected in the analysis of claim 11 above, and the claim is rejected on that basis.

With respect to claim 27, Bodnar teaches a first data, wherein data analogous to the first data is stored on at least one counterpart device and a second data representing time information corresponding to the first data, wherein the second data is

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stored for the first data and each of the analogous data at the at least one counterpart device (fig. 10).

With respect to claim 28, Bodnar teaches the second data stored for each of the analogous data at the at least one counterpart device is used to perform a consistency maintaining process (fig. 10 and line 63 in col. 10 thru line 49 in col. 11).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodnar et al. (U.S. Patent No. 6,295,541) in view of Guturu et al. (U.S. Patent No. 6,581,075).

With respect to claim 3, Bodnar teaches time information obtaining means for obtaining the consistency maintaining process time information (fig. 10). Bodnar does not explicitly disclose obtaining the time information from another information management apparatus storing the second database. However, Guturu teaches obtaining the consistency maintaining process time information from another information management apparatus storing the second database (line 50 in col. 1 thru line 10 in col. 3, fig. 1, fig. 8, and line 17 in col. 7 thru line 35 in col. 8) in order to provide a time-based synchronization status of another information management apparatus, so that data



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consistency between the databases can be maintained. Therefore, based on Bodnar in view of Guturu, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Guturu to the system of Bodnar for obtaining the consistency maintaining process time information from another information management apparatus in order to provide a time-based synchronization status of another information management apparatus, so that data consistency between the databases can be maintained.

The limitations of claim 16 are rejected in the analysis of claim 3 above, and the claim is rejected on that basis.

7. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodnar et al. (U.S. Patent No. 6,295,541) in view of Berkowitz et al. (U.S. Patent No. 6,529,921).

With respect to claim 12, Bodnar discloses the claimed subject matter as discussed above except holding means for holding a state in which communication with a second apparatus other than the first apparatus among the two or more apparatuses is possible. However, Berkowitz discloses locking a database and/or network protocol for synchronization (lines 31-44 in col. 1, line 66 in col. 11 thru line 23 in col. 12, lines 26-58 in col. 14, line 26 in col. 17 thru line 18 in col. 18) in order to protect data consistency. This locking teaches holding the communication of the second apparatus. Therefore, based on Bodnar in view of Berkowitz, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings

of Berkowitz to the system of Bodnar for locking the database in order to protect data consistency.

The limitations of claim 24 are rejected in the analysis of claim 12 above, and the claim is rejected on that basis.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joon Hwang   
Patent Examiner  
Technology Center 2100

2/18/05

  
JEAN M. CORRIELLUS  
PRIMARY EXAMINER